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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,061	07/14/2003	Richard Thomas Gray	A01182	6906

21898 7590 01/26/2007
ROHM AND HAAS COMPANY
PATENT DEPARTMENT
100 INDEPENDENCE MALL WEST
PHILADELPHIA, PA 19106-2399

EXAMINER

MRUK, BRIAN P

ART UNIT	PAPER NUMBER
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1751

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/619,061

Applicant(s)

GRAY ET AL.

Examiner

Brian P. Mruk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed October 31, 2006. Applicant has amended claims 1 and 9. New claims 11-12 have been added. Currently, claims 1, 3, and 9-12 remain pending in the application.
2. The text of those sections of Title 35 U.S. Code not included in this action can be found in the prior Office actions, Paper No. 20050325, 20051214 and 20060726.
3. The rejection of claims 9 and 10 under 35 U.S.C. 112, first paragraph, is withdrawn in view of applicant's amendments and remarks.
4. The rejection of claims 9 and 10 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Owens et al, U.S. Patent No. 5,319,018, is withdrawn in view of applicant's amendments and remarks.
5. The rejection of claims 1, 3 and 9-10 under 35 U.S.C. 103(a) as being unpatentable over Bardman et al, U.S. Patent No. 6,710,161, is maintained for the reasons of record.

NEW GROUNDS OF REJECTION

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bardman et al, U.S. Patent No. 6,710,161.

Bardman et al, U.S. Patent No. 6,710,161, discloses a copolymer composition comprising an ethylenically unsaturated monomer, such as styrene, methacrylic acid, methyl methacrylate, and butyl acrylate (see abstract and col. 3, lines 37-61). It is further taught by Bardman et al that the copolymer further contains a crosslinking polyvalent metal ion, such as zinc acetate, and compounds containing calcium, magnesium, and barium (see col. 11, line 55-col. 12, line 26), that the copolymers are used in composite particles, wherein pigment particles are surrounded by the copolymers (see col. 13, lines 12-24), and that the composite particles may further contain dispersants, such as copolymer of acrylic acid (see col. 14, lines 51-63). Bardman et al further discloses that the copolymer composition is applied to fiber, cellulosic substrates, and woven and nonwoven materials, such as cloth, wool, synthetic and natural fibers, and textiles (see col. 15, lines 52-67). Specifically, note Examples 1-

5. Although Bardman et al generally discloses a copolymer containing ethylenically unsaturated monomers, such as styrene, methacrylic acid, methyl methacrylate, and

butyl acrylate, the reference does not require such copolymer compositions containing these monomers with sufficient specificity to constitute anticipation.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to have formulated a copolymer composition, as taught by Bardman et al, which contained styrene, methacrylic acid, methyl methacrylate, and butyl acrylate monomers, because such copolymer compositions fall within the scope of those taught by Bardman et al. Therefore, one of ordinary skill in the art would have had a reasonable expectation of success, because such a copolymer composition containing styrene, methacrylic acid, methyl methacrylate, and butyl acrylate monomers is expressly suggested by the Bardman et al disclosure and therefore is an obvious formulation. Furthermore, the examiner asserts that "Mere fact that a reference suggests multitude of possible combinations does not in and of itself make any one of those combinations less obvious." *Merck v. Biocraft, 10 USPQ2d 1843 (Fed. Cir. 1989)*.

Response to Arguments

8. Applicant's arguments filed October 31, 2006 have been fully considered but they are not persuasive.

Applicant argues that Bardman et al, U.S. Patent No. 6,710,161, does not teach or suggest in general an aqueous system that contains fabric. However, the examiner respectfully disagrees. Specifically, Bardman et al discloses that the copolymer composition is applied to fiber, cellulosic substrates, and woven and nonwoven

materials, such as cloth, wool, synthetic and natural fibers, and textiles (see col. 15, lines 52-67), as required in the instant claims.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Mon-Thurs (7:00AM-5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BPM

Brian P Mruk
January 18, 2007

Brian P. Mruk

Brian P Mruk
Primary Examiner
Art Unit 1751